



Ms. Esther Barajas-Ochoa
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California 95812-4010

June 19, 2017

RE: No Significant Risk Level: Glyphosate

Ms. Barajas-Ochoa:

The Agricultural Council of California and the California Farm Bureau Federation would like to submit these comments regarding the No Significant Risk Level proposed for glyphosate under the Labor Code provision of the Safe Drinking Water & Toxic Enforcement Act of 1986 (Proposition 65). As stated in previous comments, we do not agree that glyphosate needs to be listed. This belief has only been strengthened with recent reports about unpublished research from the Agricultural Health Study (AHS) led by scientists at the U.S. National Cancer Institute, of agricultural workers and their families in the United States. The unpublished data show no evidence of an association between exposure to glyphosate and non-Hodgkin lymphoma. The team leader of the International Agency for Research on Cancer's (IARC) review of glyphosate, Dr. Araron Blair, has stated under oath that the determination would have been different if the missing data had been included.

If OEHHHA chooses to accept the IARC's classification as a singular basis for Prop 65 listing without further scrutiny or review, it will be a great disservice to the agricultural community and to the consumers of many of the 400 commodities grown in California. The IARC glyphosate review ignored multiple years of additional data from the largest and most comprehensive study on farmer exposure to pesticides and cancer.

The IARC classification is based on a limited hazard identification approach and does not consider real-world use and exposure, which is a key element of the thorough risk assessments conducted by regulators. Based on the overwhelming weight of evidence and the consensus of regulatory agencies around the world, IARC's listing is scientifically unwarranted and unsound.

Glyphosate-based herbicides have been valuable tools for weed control for California growers and other users (e.g., homeowners, landscaping and lawn care professionals, foresters, etc.) for more than 40 years. Globally, the overall safety profile has contributed to the adoption of glyphosate-based herbicides in more than 160 countries.

Agricultural systems have evolved over the last 20 years to become more productive and environmentally sustainable. The principal barrier to reducing or eliminating tillage is the challenge of controlling weeds with available soil-applied herbicides. Glyphosate has allowed farmers to increase the incorporation of more sustainable practices into production, including no-till and conservation tillage systems. Reducing tillage has enormous environmental benefits, such as less soil erosion, improved soil organic matter, less soil compaction, increased soil moisture, cleaner water, reduced energy use, more wildlife habitat, and less greenhouse emissions.

U.S. EPA has placed glyphosate in its most favorable category for carcinogenicity and is currently conducting another registration review. Glyphosate's history of safe use is supported by decades of data from more than 800 scientific studies and no regulatory agency in the world considers glyphosate to be a carcinogen.

NSRL

While we urge you to reconsider listing of glyphosate, we understand that by being listed a NSRL offers a safe harbor that aids businesses in determining if they are complying with the law. We request that the proposed NSRL of 1100 mcg/day be a minimum and no consideration be given to anything lower. Given that nearly two dozen regulatory and scientific bodies which reviewed the same four animal studies as the IARC working group reached the conclusion that glyphosate has not been shown to be carcinogenic, the NSRL should actually be much higher than 1100 mcg/day. We would strongly oppose a NSRL lower than 1100 mcg/day.

Conclusion

Early in the Brown Administration, there was an attempt to propose reforms to strengthen and restore the intent of Proposition 65. Unfortunately, those proposed reforms have not materialized; instead we have seen proposed reforms that will greatly increase litigation and numerous listings that lack thorough scientific review. Instead of "fixing" Prop 65, we have a state plastered with warning signs that no one pays attention to and bounty hunters and trial attorneys making millions off of small businesses who cannot afford to defend themselves. The trolling for class action lawsuits has already begun online and radio and television ads as exemplified in this link:

<https://www.classaction.com/roundup-weed-killer/lawsuit/>.

We urge you to scrutinize IARC's report, review the AHS done by the NCI and not list glyphosate under Prop 65. If that is not possible in the short term, we request that the safe harbor NSRL be set at no lower than 1100 mcg/day.

Sincerely,



Emily Rooney
President
Agricultural Council of California



Paul Wenger
President
California Farm Bureau Federation